



The Deputy Secretary of Energy
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February 15, 2000

MEMORANDUM FOR ALL SECRETARIAL OFFICERS AND FIELD OFFICE MANAGERS

FROM: T. J. GLAUTHIER

SUBJECT: FIELD MANAGEMENT COUNCIL AND INITIATION OF
NEW RULEMAKINGS

An important outcome of the Secretary's April 21st announcement of the DOE management reorganization was the creation of the Field Management Council (FMC) which reviews policies and data requests before they are issued to the field. Primarily, the FMC has focused on policies in the form of DOE directives and data requests. This memorandum deals with the FMC's role with regard to the initiation of new rulemakings that would regulate or otherwise substantially affect DOE field offices.

Except for categories of rulemakings that I have exempted (see below), any DOE office which intends to develop an initial rulemaking notice (e.g., notices of proposed or interim final rulemaking), must first send a brief summary about the rulemaking to the FMC Secretariat. The initiating office should develop the summary in consultation with the Office of General Counsel. The summary should state: (1) the major purposes of the rulemaking; (2) the legal authority or requirement for the rulemaking; (3) the expected major requirements under the potential rule and (4) a qualitative statement regarding its benefits and costs.

Based on the summary and advice from the General Counsel, I will decide whether to circulate it to the members of the FMC for review. The purpose of FMC review is to provide a forum for discussion of likely issues that a rulemaking may raise at the earliest possible stage and long before any formal concurrence process.

This review process will not apply to rules that neither regulate nor substantially affect DOE field offices. Appliance energy efficiency test procedures and standards are examples from a category of rules that would not require FMC review.

Questions involving the FMC aspects of this new procedure should be addressed to Stephen Smith, MA-4 at (202) 586-4539. Questions involving rulemaking should be addressed to Neal Strauss, GC-74 at (202) 586-9523.

We hope this new policy will improve communication among all those affected and thereby improve the

Department's rule-making processes.